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Shaw's Attorneys End Examination

of Russo Witness Testifies Truth Tests Given

By GERALD MOSES
Advocate Staff Writer

NEW ORLEANS (AP) — Attorneys for Clay L. Shaw completed cross-examination of Baton Rougean Perry Raymond Russo Thursday, still grasping for contradictions in Russo's testimony about overhearing talk to gun down President Kennedy.

A brief smile flickered across Russo's face as defense attorney F. Irving Dymond told him, "That's all, ending two days of exhaustive grilling about Russo's tale of hearing Shaw, who he identified as 'Clem Bertrand,' David W. Ferrie, a former airline pilot, and a beatnik he knew as 'Leon Oswald' talking about assassinating President Kennedy in September, 1963.

The preliminary hearing before an unusual panel of three criminal district judges took on more aspects of a full-blown trial as it went into the third day, although the only matter before the court is whether to order Shaw, the only survivor among the three alleged plotters, to be tried on the charge of conspiracy to murder President Kennedy.

The hearing continues at 10 a.m. Friday, and Shaw's attorneys are seeking information from the U.S. Immigration Department on two men Russo said were at Ferrie's New Orleans apartment the night he

heard them plotting to kill the President.

Tells of Hypnotism

Thursday, Russo testified Orleans Dist. Atty. Jim Garrison's staff hypnotized him three times in two weeks of questioning before the start of the preliminary hearing.

Also Thursday, Dr. Nicholas J. Chetta, Orleans Parish Coroner, testified he administered "truth serum," or sodium pentathol, to Russo, and as a result of his observations, Russo was "legally sane . . . his behavior was that of a rational, controlled, well-disciplined person."

Defense attorneys argued heatedly against any testimony about Russo being given the truth serum, and the matter was finally settled in the judges' chambers during a recess.

The three judges returned and Judge Bernard J. Bagert, the presiding judge, told Dymond his objection was overruled. Judge Malcolm V. O'Hara sided with Dymond, saying the testimony was designed to impress the court about the truth serum, not about his sanity.

Says Probe Completed

Also Thursday, Dist. Atty. Garrison said in a brief interview that when his probe of the alleged conspiracy to murder President Kennedy is completed, Russo's testimony may play only a small part in the complete story.

The district attorney pointed out that he is not required to present his entire case at the preliminary hearing, just enough to show that there is "probable cause" to bring Shaw to trial on the charge.

The continued activity of the Orleans Parish grand jury may be an indication that Garrison will maintain secrecy of his case until any eventual trial. He will not be required to file a bill of information against Shaw, outlining information his probe has uncovered, if the grand jury indicts Shaw.

Russo Testimony

Russo, reflecting the strain of two days of testifying, also brought out these points while on the stand for the third day:

— The hypnosis sessions were held in the Orleans Parish Criminal Courts building, in offices of Garrison and the coroner.

— Although Russo was present when the JFK plot was discussed, he himself played no part in the alleged conspiracy.

— Russo mistook Shaw for a secret service agent on May 4, 1961, when President Kennedy visited New Orleans to dedicate a new wharf on the Mississippi River.

— Russo told a television interviewer two weeks ago that he had never seen Oswald because "I was scared," and that publicity of his knowing Ferrie "was being blown entirely out of proportion."

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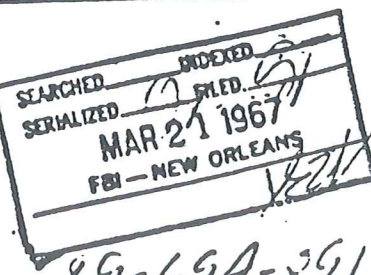
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—He didn't volunteer his information on the plot after the assassination—actually took place on Nov. 22 because "the FBI said they arrested Oswald and that he was the man. I was 23 then, a voice in the wilderness. I wasn't going to fight with the government."

—He saw Oswald clean-shaven once, as Oswald was preparing to leave New Orleans for Houston.

Shouts Question

This last statement caused a hush in the courtroom. Then Dymond shouted, "Will you tell me why, after seeing him clean shaven, you had to have whiskers put on his photograph before you could recognize him?"

Russo shrugged, and said the occasion was "the day that Oswald left New Orleans for Houston," and that they were together for only a few minutes.

Mainly, he said, he noticed that Oswald was not dirty.

Dymond, late in Thursday's proceedings asked the court to subpoena records of the U.S. Immigration Department concerning two men, a Manuel Garcia Gonzales, and a Julio Busneda, or Julio Buxneda.

This apparently was in reference to Russo's testimony that two Spanish-speaking people were at Ferrie's apartment at the mid-September, 1963 meeting where Russo allegedly overheard the plot to kill President Kennedy.

Recalls First Names

Dymond had asked Russo to name the Spanish-speaking people present at the party.

"One was a Juno, and the other was Manuel," Russo replied. "I don't remember their last names."

Dymond said he intended to use the information from the immigration service to discredit Russo's testimony.

Also subpoenaed for Thursday's session was a former roommate of Ferrie, James Lewallen, who, like Ferrie, is a pilot. Because of the continuing examination of Russo, Lewallen did not testify Thursday, and may be called again Friday.

Under cross-examination about details of the conspiracy talk Russo says he heard in Ferrie's apartment, the witness was asked: "You weren't part of it?"

A. "No, sir."

Q. Was it understood that these three men would actively participate in the assassination?

A. I didn't get that impression, no.

Q. Was Dallas mentioned?

A. No.

"That's all," attorney F. Irvin Dymond said and sat down.

At that point, Russo was excused from further cross-examination.

Under Dymond's often-sarcastic questioning about why he had not come forward after seeing Oswald's pictures after the assassination, Russo said: "I saw pictures of Oswald in the sun holding a gun, one with him delivering pamphlets, a picture of him getting shot."

"That face stayed in my mind but the FBI said they had got the man who shot President Kennedy. I read the Warren Commission was to investigate. I'm not going to argue with the FBI. But I told several of my friends, 'I might know that man.'"

Q. Are you referring to Lee Harvey Oswald and that you may have known him as Leon Oswald?

A. Leon Oswald had a different face to me.

Q. You made the dogmatic statement in the March 1 interview in New Orleans that you had never seen that man.

A. There were several reasons. I knew the DA was investigating at this time and I didn't want to say to someone who was not legal, 'That was the man.' I wanted to get off the hook. I just said, 'I don't know that man.'

Says Not Under Hypnosis

In response to Dymond's probing, Russo denied being under hypnosis while testifying.

Q. How many times have you been hypnotized?

A. My recollection is three times.

Q. Were you hypnotized March 14 (the day the hearing started)?

A. Absolutely not.

Q. Were you hypnotized yesterday?

A. Absolutely not.

Q. On March 13, were you hypnotized on that date?

A. I don't think I was.

Russo then said the hypnosis sessions occurred between Feb. 24 and March 13. "I have lost track of the days," the witness said. "I am extremely tired."

Q. In all three instances of hypnosis, did it take place in the coroner's office?

A. It is my recollection.

Q. What did Dr. Fatter do to hypnotize you?

A. I'd rather you ask him.

Q. What do you remember he did?

A. He asked me questions.

Dymond then asked what instructions Dr. Fatter had given him.

A. He talked. There were no specific instructions that I can recall. He talked. It's not an instruction thing. He told me relaxing things.

The defense recalled Russo's testimony that he had noticed Shaw — who he said he knew later as Clem Bertrand — at a wharf dedication in New Orleans in May 1962 at which President Kennedy spoke. Russo said he thought Shaw was a Secret Service man.

Q. Let me ask you, wouldn't you have felt awfully uneasy about being present in a group of four men (at Ferrie's apartment) who were plotting the assassination of the president if you suspected one of the men was an agent of the Secret Service?

Russo replied that the conversation that night in Ferrie's apartment wiped out his impression that Shaw worked for the Secret Service.

According to Russo's account, Shaw, Oswald and Ferrie discussed specific of killing the president, including a possible getaway flight to Cuba and the sacrificing of a scapegoat.

Shaw, 34, former managing director of the International Trade Mart ~~was~~ arrested by Garrison on March 1. He was freed that night on \$10,000 bond.

Ferrie, a former airlines pilot with a homosexual record, died in bed two days before Russo was publicly connected to the case.

Oswald, named by the Warren Commission as Kennedy's assassin, was killed by Jack Ruby two days after the assassination.

Garrison won an important point when the court permitted Dr. Chetta, to testify about inducing hypnosis in Russo through the use of sodium pentothal, commonly known as truth serum.

Dymond objected strenuously to Chetta's testimony, and at one point during a legal hassle Judge Matthew Braniff snapped at the defense attorney: "You made the implication this witness (Russo) was crazy. You inferred that he was testifying under hypnosis and also that he tried to kill himself. Where do you get off objecting now?"

Dymond had earlier asked Russo if he had ever attempted suicide. Russo replied that he had not.

Chetta, ~~coroner~~ for more than 20 years, qualified as an expert witness in medicine, psychiatry and forensic medicine.

"I feel that Perry Russo fulfills all requirements of legal sanity," said the articulate Chetta.

Chetta said a patient using the drug is "aided in recalling facts and remembers things he ordinarily would have forgotten and says things he ordinarily might hold back."

Russo also testified Thursday that Ferrie once outlined several different assassination methods, including a plan where assassins were stationed in front and back of a theater.

He said Ferrie also had another plan, involving three assassins.

Indicating with three fingers, Russo said:

"This man, of necessity, has to be sacrificed for this one to go free. All three were going to fire to kill the President. Someone would have to be the scapegoat."

Identification Ruse

Russo said he watched Shaw through a one-way mirror in the district attorney's office while deciding whether he was the man he knew at the September party as "Clem Bertrand."

Later, he said, he knocked on

the door of Shaw's apartment and looked at him while pretending to try to sell him some insurance.

He said he gave Shaw a business card with the name "Addison Williams."

"He held the card and looked at me twice and I am sure he recognized me," Russo said. "He said he had company and could not talk about insurance now and then he looked at me and asked, 'what did you say your name was?'"

Russo also testified he didn't believe he had ever been hypnotized before, although he admitted that Ferrie once tried to hypnotize him.

"He tried once, but I have my doubts about whether he succeeded," Russo said.

Different Methods

Dymond asked whether Ferrie and Dr. Edward Fatter, a private physician who put him under hypnosis under Dr. Chetta's supervision, used the same methods.

"No, sir," Russo replied. "Dave used a coin or a flashy object. Dr. Fatter just talked to me a lot."

At the first meeting between Ferrie and Russo, at an apartment of Ferrie's in Kenner, Russo testified that Ferrie hypnotized a friend of his, Al Landry, and demonstrated that Landry was hypnotized by sticking the point of a compass into Landry's hand.

Russo was vague about when he had been hypnotized by Dr. Fatter, and narrowed it down only to the two weeks before the preliminary hearing began Tuesday.

Dymond pressed him for the exact date, and finally Russo said, "I have lost track of the days . . . I am extremely tired."

For the second day, deputies and policemen guarding the courtroom where the hearing is under way took additional precautions. Newsmen — the majority of the spectators at the hearing — were stamped on the hand with a fluorescent ink as they entered in the morning.

Each time they entered, deputies first checked a pass issued by Criminal Sheriff Louis Heyd Jr., checked the spectators against individual photographs of them, and then checked the fluorescent ink with an ultraviolet lamp, which caused the ink to glow.

Once inside the vestibule, the newsmen were searched by other deputies, and the search was more thorough than at Wednesday's session.

Deputies also searched the courtroom during the noon recess, after a Parish Prison official received a telephone call from a man who told him to be on the lookout for a person carrying a small bomb, set to go off during the afternoon session.

Witnesses and newsmen returned to the courtroom unaware of the bomb threat.



WITH AND WITHOUT 'WHISKERS'—The photo of Lee Harvey Oswald with whiskers painted in, left, resembles a photo shown witness Perry Russo Thursday which he identi-

fied as "Leon Oswald," the late David Ferrie's roommate. A police photo of Oswald, right, shows him clean-shaven.